PART IV

Section 2-C—(i)

GENERAL STATUTORY RULES ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS AND RULES MADE BY THE GOVERNOR UNDER THE CONSTITUTION.

COMMERCE AND INDUSTRIES SECRETARIAT.

NOTIFICATION.

Bangalore dated 27th January 1965.

G.S.R. 250.—The following draft of the Mysore Minor Minerals Concession Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 15 of the Mines and Minerals (Regulation and Development) Act, 1957 (Central Act 67 of 1957) is hereby published for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after 20th August 1965.

Any objection or suggestion which may be received from any person with respect to the said draft by the State Government, before the date specified above will be considered by the Government. Objections or suggestions (in duplicate) may be addressed to the Secretary to Government, Commerce and Industries Department, Vidhana Soudha, Bangalore–1.

CHAPTER I

General

1. Title, Extent and commencement.—(1) These rules may be called the Mysore Minor Mineral Concession Rules, 1965.

(2) They extend to the whole of the State of Mysore.

(3) They shall come into force on the date of their publication in the *Mysore Gazette*

2. Definitions :—(1) In these rules, unless the context otherwise requires,—

(*a*) 'Competent officer' means—

(i) in the case of lands in charge of the Forest Department, the Divisional Forest Officer, and the Sub-Divisional Forest Officer in charge of independent Sub-Division;

(ii) in the case of lands in charge of the Public Works Department, the Executive Engineer of the Division concerned; and

(iii) in the case of lands other than those referred to in clauses (i) and (ii), the Tahsildar of the Taluk concerned.

(*b*) 'Controlling Officer' means the Director of Mines and Geology in Mysore;

(*c*) 'Form' means a form appended to these rules;

(*d*) 'Government' means the Government of Mysore;

(*e*) 'Minor Mineral' means minor mineral as defined in clause (*e*) of Section 3 of the Mines and Minerals (Regulation and Development) Act, 1957;

(*f*) 'Quarry' means any area declared as such by the Controlling Officer and set apart for quarrying any ordinary or building stones;

(*g*) 'Schedule' means a Schedule appended to these rules.

(2) Words and expressions used but not defined in these rules shall have meanings respectively assigned to them in the Mines and Minerals (Regulation and Development) Act, 1957.

CHAPTER II

Grant of Mining lease in respect of land in which minerals belong to Government:

3. Restrictions on grant of mining lease.—(1) No mining lease shall be granted to any person other than an Indian citizen except with the prior approval of Government.

(2) No mining lease shall be granted in respect of land notified by Government as reserved for use of Government or of any local authority or for any other public or special purpose.

(3) Quarries may, at the discretion of the Controlling Officer, be leased out by calling for tenders or by holding public auction.

4. Application for a mining lease.—Every application for a mining lease in respect of any land which belongs to Government shall be in Form 'A' and shall be made to the competent officer and shall contain the following particulars, namely :—

(*a*) (i) if the applicant is an individual, his name, nationality, profession and residential address; and

(ii) if the applicant is a Company, syndicate, partnership or private firm, its name, nature and place of business and place of registration or incorporation.

(*b*) A description illustrated by a map on a scale of one inch to a furlong or on such maps as are available with the Revenue and Settlement Officer or the Geological Survey of India showing as accurately as possible, the situation, boundaries and area of the land, in respect of which the mining lease is required :

Explanation.—The map referred to above shall give sufficient information to enable identification of the area in respect of which the concession is required.

(*c*) The minor mineral or minerals which the applicant intends to extract.

(*d*) The purpose for which the extracted minerals are to be used.

(*e*) The period for which the mining lease is required.

(*f*) Information as regards the area or areas and minor minerals within the State of Mysore in respect of

which the applicant or the person o nt in interest with him already holds a mining concession.

5. Security Deposit.—(i) Every application for a mining lease shall be accompanied by a minimum guaranteed amount of Rs. 500 which sum will be held as Security amount for the due fulfilment of the provisions of these rules and of the conditions of the lease and subject to any deduction in this respect, shall be returnable after the expiry of the period of the lease.

(2) If more than one application for a mining lease over the same area are received, preference shall be given to the applications in the order of date of receipt unless the Government for any special reason decides to the contrary.

6 Grant of Mining Lease :— (1) On receipt of an application under rule 4, the competent officer, on making such enquiries as he deems fit, may sanction the grant of mining lease to the applicant or refuse to sanction it. In either case, he shall forthwith intimate to the Controlling Officer the action taken by him.

(2) When a mining lease is granted under Sub-rule (i) the formal lease shall be executed within three months of the order sanctioning the lease or within such further period as the controlling officer may allow in this behalf and if no such lease is executed within the aforesaid period, the order sanctioning the lease shall be deemed to have been revoked.

(3) The Competent officer shall forward to the Controlling officer one copy of the mining lease as soon as the lease is executed.

7 Intimation of Refusal:—If the application for a Mining L ase is refused by the Competent Officer, he shall communicate the reasons for such refusal to the applicant concerned.

8 Refund of Security Deposit:—If the application for Mining Lease is refused by the competent officer or if the applicant refuses, to accept the lease on account of any special condition of which he has been informed, and the whole or any part of the amount deposited under sub-rule (1) of rule 5 has not been expended for the purposes of rule 9, it shall be refunded to the applicant.

9 Survey of the Area Granted:—When the mining lease is granted by the competent officer, arrangements shall be made at the expense of the Lessee for the survey and demarcation of the area granted under the Mining Lease.

10 Register of Applications:—A register of applications, for mining leases shall be maintained by the competent officer in From 'B'.

11 Register of Mining Leases:—A register of Mining Leases granted shall be maintained by the Competent officer in from 'C'.

12 Inspection of Registers:—The registers maintained by the Competent Officer under Rules 10 and 11 shall be open for inspection by any applicant for a mining ease or by any other person who satisfies the competent officer that he is interested in any mining lease.

13 Extent of Area to be granted under Mining Lease:—

(1) Except with the prior approval of the Controlling Officer, no mining lease shall be granted in case of minor minerals for an area exceeding 150 acres.

(2) No lessee by himself or with any person joint in interest with him shall hold in the aggregate more than three squire miles of area under lease in respect of one minor mineral or a group of minor mineral within the State of Mysore.

(3) The area to be granted under each mining lease shall form a compact block.

14 Boundaries below surface.—The boundaries of area covered by a mining lease shall run vertically downwards below the surface towards the centre of the earth.

15 Period of the Lease:—A mining lease may be granted for a period not exceeding five years. The lease may be renewed for one or more periods, the period of each renewal not exceeding the duration of the original lease.

16 Right of Lessee to surrender part of the area.—At the time of renewal of the lease, the lessee shall be entitled to surrender any part of the leased area.

17 Transfer of Mining Lease:—The lessee may, with the previous sanction of the Government and subject to the conditions specified in rule 13, and such other conditions as the Government may specify, transfer his lease or any, right, title or interest therein to any person.

18 Conditions of Mining Lease :—(1) Every Mining Lease shall be in Form 'D' and shall include the following conditions namely.—

(i) The Lessee shall pay royalty on minor minerals despatched from the leased area at the rates specified in Scheduled I at the end of every month, provided that such rates shall be liable to revised once in every two years.

(ii) The Lessee shall also pay for every year of the lease such yearly dead rent as may be fixed by Government :

Provided that the lessee shall be liable to pay in respect of each minor mineral dead rent or royalty whichever be higher in amount but not both ;

(iii) The lessee shall also pay for the surface area covered by the lease surface rent at one rupee per acre ;

(iv) Unless the competent officer for good cause permits otherwise the lessee shall commence mining operations within two months from the

date of execution of the lease and shall thereafter carry them on in a proper, skillfull and workmanlike manner ;

(v) The lessee shall, at the his own expense, recet and at all times maintain and keep in good repair boundary marks and pillers necessary to indicate the boundaries of the area leased to him;

(iv) If any minor mineral not specified in the lease is discovered in the leased area, the lessee shall report the discovery without delay to the competent Officer and shall not win or dispose of such minor mineral without obtaining the lease therefore ;

(vii) The lessee shall abide by such reasonable instructions and directions as may be issued by Government from time to time regarding the conservation and development of minor minerals ;

(viii) The lessee shall abide by the provisions of any law for the time being in force relating to working of minerals and matters affecting safety, health and covenience of the lessee's employees or of the public;

(ix) The lessee shall not carry on or allow to be carried on any mining operations within a distance of 200 feet if no blasting is involved, and 200 yards if blasting is involved from the boundary of any railway line, reservoir, tank-bund, canal, or other public works or any public road, any building, except with the written premission of the Railway Authorities or other Competent Authority concerned ; and the lessee shall also abide by such conditions as the Competent Officer may impose in carrying on mining operations in the vicinity of the aforesaid buildings or places ;

(x) The lessee shall keep correct accounts showing the quantity and other particulars of all minor

minerals obtained and despatched from the leased area and the number of persons employed therein and also complete plans of the workings and shall furnish to the Competent Officer such information, reports and returns as the Controlling Officer may require from time to time ;

(xi) The lessee shall allow any officer authorised by the Competent Officer or by the Controlling Officer to enter upon any building, excavation or land comprised in his lease for the purposes of inspecting the same or for inspecting any of his accounts, plans and records which he shall make available to such Officer. Such Officer may issue such reasonable directions as he may deem fit to prevent wasteful extraction of minerals and it shall be the duty of the lessee to carry out such directions within such periods as the officer may specify. If the lessee fails to carry out the directions within the specified period, the Controlling Officer may determine the lease or may impose a penalty not exceeding twice the amount of the annual dead rent ;

(xii) The lessee shall send to the Competent Officer, the Controlling Officer, the District Magistrate of the district in which the leased area is situated and the local Police Officers, without delay, a report of any accident involving the death of or injury to any person, which may occur in or about the leased area ;

(xiii) The lease shall be liable for cancellation if the lessee ceases to work the leased area for a continuous period of *six months*, unless previous permission, in writing, of the Competent Officer or the Controlling Officer has been obtained for such a cessation ;

(xiv) The lessee may, with the permission of the Competent Officer, erect on the leased area any building required in connection with the mining purposes and shall keep such building in good order ;

(xv) The lessee shall not cut or injure any tree in the leased area included in a Reserved Forest, or Revenue and Public Works Department lands, without the permission of the Divisional Forest Officer, Tahsildar of the Taluk and the Executive Engineer of the Division, as the case may be, and the lessee shall be liable to pay the Forest or the Department concerned such compensation as the Divisional Forest Officer, Tahsildar or Executive Engineer may fix, for such cutting or injuring of trees in the leased area ;

(xvi) The lessee shall not enter upon and commence mining operations on any occupied or private land or lands comprised in the mining lease or prospecting licence granted for major minerals except with the sanction in writing, of the occupant, owner, lessee or licensee thereof;

(xvii) In case of breach by the lessee or his transferee ro assignee of any of the conditions specified in clause (i), (ii), (iii), (iv), (v), (vii), (viii), (ix), (x), (xii), (xiv) (xv) and (xvi) the Competent Officer shall give notice in writing to the lessee asking him to remedy the breach within thirty days from the date of notice and if the breach is not remedied within such period the Competent Officer may determine the lease. Such determination shall be subject to confirmation by the Controlling Officer.

(2) A mining lease may contain such other conditions as the Competent Officer may deem necessary and subject to approval of the Controlling Officer in regard to the following, namely :—

(i) the time limit, mode and place of payment of rents and royalties ;

(ii) the Compensation for damage to the land covered by the lease ;

(iii) the felling of trees ;

(iv) the Restriction of surface operations in any area prohibited by any authority ;

(v) the notice by lessee for surface occupation ;

(vi) the facilities to be given by the lessee for working other minerals in the leased area or adjacent areas ;

(vii) the entering and working in a reserved or protected forest ;

(viii) the Securing pits and shafts ;

(ix) the indemnity to Government against claims of third parties ;

(x) the delivery of possession of lands and mines on the surrender, expiration or determination of the lease ;

(xi) the power to take possession of plant, machinery, premises and mines in the event of war or emergency.

3 A mining lease may contain any other special conditions which the Competent Officer may specify subject to the approval of Government.

19. Recovery of amount due to Government :—If the dead rent, royalty, or surface rent or any other amount payable by the lessee is not paid within three months next after the date fixed in the lease for its paymnent, it shall be competent to issue a Certificate for the recovery of the amount due in accordance with the provisions of section 25 of the Act.

20. Minerals left on the block after the termination of the lease :—Any minor mineral extracted from the quarry and not removed by the lessee before the date of termination of the lease shall be the property of the Government.

21. Right of pre-emption :—Government shall at all times have the right of pre-emption of the minor minerals won from the land in respect of which the lease has been granted:

Provided that the fair market price prevailing at the time of pre-emption shall be paid to the lessee for all such minor minerals.

22. Restriction determination of lease :—The lessee shall not determine the lease except after notice in writing of not less than six calendar months to the Competent Officer.

23. Unauthorised mining and removal of minor mineral :—(1) No person shall carry on any mining operation or otherwise remove any minor mineral without obtaining a mining lease under these rules.

(2) whoever contravenes the provision of sub-rule (1) shall on conviction be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

CHAPTER III

GRANT OF MINING LEASE IN RESPECT OF LANDS IN WHICH MINOR MINERALS BELONG TO PRIVATE PERSONS

24. Application :—(1) The provisions of this Chapter shall apply to mining leases granted by private persons.
(2) No mining lease or any right, title or interest therein shall be granted or obtained in respect of lands in which any minor mineral belongs to a private person except in accordance with the provisions of this chapter.

25. Restrictions on grant of Mining Lease by Private persons :—A mining lease granted by a private person shall be subject to the provisions prescribed in Rule 3 and 15, and shall be subject to the following conditions ;

(*a*) the provision of clause (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiv), (xv), (xvi), and (xvii of sub rule (i) of rule 18 shall apply to such lease with the modification that in clauses (ii) for the word "Government"

and in clauses (iv), (vi) and (xviii), for the words "Competent Officer," the word "lessor" shall be substituted ;

(*b*) the lessee may determine the lease at any time by giving not less than six Calendar months notice in writing to the lessor ;

(*c*) the lease may contain such other conditions not being inconsistent with the provisions of the Act and these rules as may be agreed upon between the parties.

26. Submission of copy of lease :—Every person obtaining a mining lease from a private person shall, within two months of the grant of such lease, submit a certified copy of the lease to every competent officer in whose jurisdiction the areas covered by such lease are situated ;

27. Communication of transfer or assignment :—Every "Transferee or Assignee" of a mining lease granted under rule 25 or of any right title or interest therein shall within one month of such transfer or assignment inform the Competent Officer within whose jurisdiction the area is situated, of the transfer or assignment and also of the terms and conditions of such transfer or assignment.

28. Prohibition of premium :—No person granting or transfering the mining lease or any right, title or interest in any such lease shall charge any premium in addition to or in lieu of the surface rent, dead rent or royalty specified in such lease or such proportionate part of such fee, rent or royalty as is payable in respect of such right, title or interest transferred.

29. Annual returns and statements :—Every private person granting a mining lease shall furnish annually to the Controlling Officer such returns and statements within such period as the Controlling Officer may direct.

30. Penalty for granting' transferring or obtaining mining lease in contravention of these rules :—If any person grants, obtains a mining lease or any right, title or interest therein in contravention of any of the provisions of this Chapter or

accepts any premium in contravention of rule 28 he shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to one thousand Rupees or with both.

31. Penalty for failure to furnish returns, etc :—If the holder of a mining lease or his transferee or assignee fails without sufficient cause to furnish the documents or information or returns as specified in clause (x) of sub-rule (1) of Rule 18 or rule 26 or 27 or refuses entry or inspection by any officer authorised by Government or the Competent Officer or the Controlling Officer under clause (xi) of sub-rule (1), of Rule 18, he shall be on conviction be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

CHAPTER IV

GRANT OF MINING PERMITS IN RESPECT OF LANDS IN WHICH MINERALS BELONG TO GOVERNMENT.

32. Grant of Mining Permits :—On an application made to him, the Competent Officer may grant a mining permit to any person to extract and remove from any specified land within his jurisdiction any minor mineral not exceeding in quantity 25,000 Cu. ft. under any one licence, on payment to the Competent Officer of royalty calculated at the rates specified in Schedule I and also on payment of such land revenue and cesses as may be assessable on the lands :

Provided that the Competent Officer may for reasons to be recorded in writing refuse to grant such permit.

33. Application for mining permit :—(1) An application for a mining permit shall contain the following particulars :

(i) Name, address and occupation of the applicant ;

(ii) Name of the minor mineral to be extracted and removed ;

(iii) Quantity of the minor minerai for which the permit is required;

(iv) Deseription of the land from which the minor mineral is to be extracted and removed; and

(v) Purpose for which the minor mineral is to be used.

34. Consent of occupant or owner :—Every application for a mining permit shall, if the lands from which the minor mineral is to be extracted, are occupied or private lands, be accompanied by a letter from the occupant or the owner of such lands to the effect that he has no objection to the extraction of the mineral by the applicant.

35. Conditions of mining permit :—

1 (*a*) Every mining permit granted under rule 32 shall contain a c ondition that the depth of the pit below the surface shall not exceed 20 ft ;

(*b*) The Mining permit granted under rule 32 may contain such other conditions as the Officer granting the Licence may deem necessary in regard to the following matters :—

(i) the time limit, mode and place of payment of land revenue and cess and royalties ;

(ii) the compensation for damage to the land covered by the Licence ;

(iii) the felling of trees ;

(iv) the restrictions of surface operations in any area prohibited by any authority ;

(v) the entering and working in any reserved or protected forest ;

(vi) the reporting of accidents ;

(vii) the indemnity to Government against claims of third parties ;

(viii) the period within which the minor mineral shall be extracted and removed and delivery of possession over lands

on the expiry of such period or on the removal of the quantity minor mineral for which the Licence is valid, whichever is earlier;

(ix) the forfeiture of property left after cancellation of the permit.

2. In case of breach of any of the conditions subject to which the permit is granted, the competent officer may cancel the permit. On cancellation of the permit, the minor minerals lying on the land from which they are extracted shall become the Property of the Government.

CHAPTER V

RYOTWARI LANDS AND OTHER LANDS ON INTERMEDIARY TENURE IN WHICH GOVERNMENT HAVE CLAIM ONLY TO A SHARE OF THE MINERAL.

36. Application :—The provisions of this Chapter shall apply to ryotwari lands and other lands on intermediary tenure and in the Bellary District, South Kanara District and Kollegal Taluk of the Mysore District in which Government have claim only for a share of the mineral.

37. Mining by the owner :—A registered holder may remove any minor mineral on a small scale for his own use for a specific *bona fide* domestic or agricultural purpose provided that he has no intention of continuing mining operations indefinitely and provided further that the land is not in any way rendered less fit for cultivation than before.

38. Rates of Royalty :—The removal of any mineral on a large scale or for other than *bona fide* domestic or agricultural purposes shall be subject to the payment of royalty at the rates prescribed in Schedule I to these rules :

Provided that this rule shall not apply to mining for Government or on behalf of the Government or for *bona fide* public purposes when the compensation paid to the registered holder therefor does not exceed the amount required to restore the land to a state fit for cultivation.

39. Procedure for Mining in ryotwari lands:—In the cases referred to in rule 38, the registered holder or the tenant or lessee in actual possession of the land or the contractor who obtains the permission of the registered holder or tenant or the lessee for mining in the land shall give previous notice to the Tahsildar or the Deputy Tahsildar concerned, specifying the minerals in respect of which and the field in which mining operations are proposed to be undertaken. The Tahsildar or the Deputy Tahsildar concerned will himself issue Licences for mining in cases where the royalty if levied, would not exceed Rs. 25. In cases where the fee exceeds Rs. 25, he should submit the notice to the Deputy Commissioner and inform the party accordingly. A map or a sketch of the area should also be submitted by the registered holder if one is called for by the Tahsildar or Deputy Tahsildar concerned or the Deputy Commissioner, as the case may be. In default of submission of such a map or sketch, the Tahsildar or the Deputy Tahsildar or the Deputy Commissioner shall have one prepared under his orders and the cost thereof shall be payable by the registered holder concerned.

40. Powers of the Deputy Commissioner:—On receipt of the notice referred to in rule 39 the Deputy Commissioner may at his discretion apply the provisions of rule 42 to the mining operations proposed.

41. Penalty for unauthorised mining in ryotwari lands:—
1) Whenever mining operations are done without giving notice as required by Rule 39, the registered holder, the persons (tenants or lessees) in actual possession of the land and the contractor shall be jointly and severally liable to pay enhanced royalty or acreage assessment up to a maximum of five times of the normal rate.

Explanation:—**1.** The question whether mining operations are carried on, on a large scale within the meaning of this rule shall be determined by the Deputy Commissioner of the district according to the circumstances thereof.

Explanation:—**2.** For purposes of this rules "registered holder" includes a mulgeniidar or walawargdar in the South Kanara district.

(2) Nothing in this rule shall affect in any way the right, which all holders of lands held on ryotwari tenure posses, of digging wells in their lands and of disposing of the gravel and stones which may be thrown up in the course of excavation.

42. Conditions to be accepted and security to be deposited for mining in private lands —On receipt of the notice under rule 39, the Deputy Commissioner, may, if he sees no valid objection, allow operations to be commenced on the registered holder executing an agreement in the form set out in Form 'E' binding himself to accept the conditions and stipulations set out in rules 43 to 54 and on his depositing as security such sum as the Deputy Commissioner may consider sufficient to cover either the probable cost of restoring to a state fit for cultivation the land on which mining operations have been carried on or which has been used for deposit of mining waste, or the probable cost of fencing or filling in the abandoned pits and excavations therein, together with thirty times the assessment of the area likely to be rendered uncultivable in the event of the registered holder failing to carry out such restoration or fencing or filling in when called upon to do so. He may also require the registered holder to fill in the abandoned pits and excavations in cases where he considers it less expensive than fencing or where the existence of pits and excavations will endanger public health or be detrimental to drainages or irrigation channels. But no such permission shall be granted except with the previous sanction of the Government if the minerals are to be worked by or on behalf of any person who is not a citizen of India The amount of deposit shall not ordinarily exceed Rs. 1,000, provided that it shall not be less than the probable cost of restoring the land to a state fit for cultivation or the probable cost of fencing or filling in abandoned pits and excavations therein, together with thirty times the assessment of the area likely to be rendered uncultivable.

43. Registered holder and lessee held responsible for working mine properly:—In all cases, the registered holder, and in cases where the lands are leased out the registered holder and the lessee shall be jointly and severally responsible for working the mine in a proper manner and shall also be directly liable for any wrongful act or default.

44. Royalty and acreage assessment:—In respect of minor minerals removed by mining operations from any land royalty or acreage assessment shall be payable subject to to the maximum rates shown in Schedule I to these rules. The Deputy Commissioner shall decide whether royalty or acreage assessment shall be levied; but in the case of clay for bricks and tiles, acreage assessment shall be charged.

45. Inspection and mines:—The registered holder or the lessee shall allow any officer authorised by the Controlling Officer or the Deputy Commissioner of the district in that behalf to enter upon the land over which mining operations are carried on for the purose of inspecting the same.

46. Accidents and discovery of other minerals to be reported:—The registered holder or the lessee shall, without delay, send to the Deputy Commissioner a report of any accident which may occur at or on the said land and also the discovery thereon of any mineral other than the mineral or minerals specified in the notice given by him under rule 39. He shall also report to the Deputy Commissioner the discovery of any major mineral or minerals.

47. Restriction on assignment, etc.—The registered holder shall not assign, lease or part with the possession of his lands or any part thereof for the whole or any part of his term without previous intimation to the Deputy Commissioner in writing.

48. Powers of Deputy Commissioner.—The Deputy Commissioner may require the registered holder on relinquishment by him of the whole or part of the land used by him for mining operations or for the deposit of mining

waste or on the expiry or sooner determination of the agreement, to restore the land so used to a state fit for cultivation or securely and permanently fence in abandoned pits and excavations therein, in cases in which he considers such restoration or fencing necessary. In default thereof, the Deputy Commissioner, at his option, may carry out such work and deduct the costs thereof out of the security deposited by the lessee. If, however, the deposit be found insufficient to meet these deductions, it shall be lawful for the Deputy Commissioner to recover the balance by suit in a Civil Court. Where restoration of the land is not insisted on, thirty times the assessment of the land so rendered uncultivable shall be deducted from the security deposit and credited to the Government.

49. Lands rendered unfit for cultivation not eligible for remission.—No remission of assessment shall be granted in respect of any land rendered unfit for surface cultivation by the carrying on of mining operations unless thirty times the assessment thereon has already been deducted under rule 48.

50. Arrears how recoverable.—The arrears of royalty, assessment or any other sum payable to Government on account of minor minerals removed from lands to which this Chapter is applicable shall on a certificate issued by the Deputy Commissioner be recovered in accordance with the provisions of Section 25 of the Act.

51. Settlement of Questions or Disputes regarding agreement.—(1) If any question or dispute arises regarding an agreement executed in pursuance of the provisions of this Chapter, or any matter or thing connected therewith or the powers of the registered holders thereunder, the amount or payment of the royalty or acreage assessment made payable thereby, the matter in issue shall be decided by the Controlling Officer.

(2) Any registered holder or lessee aggrieved by the decision of the Controlling Officer, may within thirty days from the date of communication of the decision of the Controlling officer, appeal to the Government.

52. Penalty for Breach of Rules.—The royalty or the acreage assessment shall be liable to be enhanced or the agreement determined in case of breach of any of the rules of this Chapter. If the land is seriously damaged by mining, the Deputy Commissioner shall be competent to impose enhanced rates of royalty or acreage assessment, as the case may be, such enhanced rates being proportionate to the damage caused to the land, subject to a maximum of five times the normal rates.

53. Leasing out of mining rights.—If the registered holder does not intend to carry on mining operations himself but leases out the right to do so to another person, the registered holder and his lessee shall enter into an agreement with the Government binding themselves jointly and severally to accept the conditions and stipulations set out in rules 43 to 52. The agreement shall be Form 'F'.

CHAPTER VI

GRANT OF MINING LEASES BY CALLING FOR TENDERS OR BY HOLDING PUBLIC AUCTION.

54. Discretion of the Controlling Officer in leasing out the quarries.—(1) The Controlling Officer may at his discretion lease out the quarries by calling for tenders, in which case the lease amount shall include all payments to the Government including the royalty.

(2) The Competent Officer or any other Officer authorised by the Controlling Officer in this behalf may dispose of the quarry by public auction and such auction shall be subject to confirmation by the Controlling Officer.

55. Disposal of Mining Leases by Tender or by Public auction to be notified in Gazette.—When a quarry is to be disposed off by calling for tenders or by public auction the Controllig Officer or the Competent Officer or any other Officer authorised by him shall publish a notice in the

Mysore Gazette, and also in such local newspapers or in such other manner as he may consider necessary, furnishing the following particulars.

(*a*) the situation and area of the quarry;

(*b*) the minimum amount below which no tender or bid will be accepted;

(*c*) the period of lease;

(*d*) whether the quarry will be leased by tender or by auction;

(*e*) the rate at which royalty shall be payable;

(*f*) (i) the date, time and place for the receipt and scrutiny of tenders and the name of the Officer to whom tenders should be addressed; or

(ii) the date, time and place fixed for the auction, the name of the Officer holding the auction; the percentage of the bid amount which should be deposited by the bidder at the auction and the time for the payment of the balance of the bid amount; and

(*g*) such other conditions regarding the tender or auction as may be necessary.

56. Security for the Lease Amount.—(1) No tender or bid shall be accepted unless the tenderer or bidder deposits to the extent of lease amount security consisting of.—

(*a*) (i) Casb;

(ii) Government securities;

(iii) First mortgages immovable property of the said value in favour of the Controlling Officer.

(*b*) Deposits as earnest money such amount as may be determined by the Controlling Officer not exceeding Rs. 200.

Explanation.—The amount deposited as earnest money shall be refunded if the quarry lease is not sanctioned. If the lease is sanctioned it

will be credited to the account of the successful tenderer or the bidder.

(2) No person who is in arrears of Government dues towards any mining lease or mining permit granted to him previously by Government, shall be entitled to submit a tender or bid in auction unless he has cleared all the dues referred to.

57. Powers of the Controlling Officer to dispose of tender or auction b.d:—The Controlling Officer shall have the right to accept or reject any tender or bid not being the highest tender or bid, without assigning any reason therefor;

Provided that in cases where he accepts a lower tender or lower bid or in any case where the tender or the bid amount exceeds Rs. 5,000 the same will be subject to confirmation by Government.

58. Method of payment of tender or bid amount:—

(1) In the case of mining leases granted for a year or less, the tenderer or the bidder shall pay 25 percent of the amount or bid on the date of acceptance of the tender or confirmation of the bid by the Controlling Officer, another 25 percent of the amount within 30 days from the date of acceptance of the tender or confirmation of the bid, and the balance within 60 days of such acceptance of the tender or confirmation of the bid.

(2) In the case of mining leases granted for more than one year, 25 per cent of the tendered amount or bid amount shall be payable within two weeks from the date of notice by the Controlling Officer accepting the tender or confirming the bid or before the date of execution of the lease whichever is earlier, and the balance shall be payable by the lessee in equal quarterly instalments at the beginning of each quarter on or before such dates as may be fixed by the Controlling Officer.

59. Penalty for default to pay the tender or bid amount:—

If the lessee makes default in the payment of any money due from him within the period stipulated or refuses

or neglects to execute the lease within the period allowed for the purpose, all sums paid by him by way of deposit or otherwise shall be forfeited to Government and the quarry shall be reauctioned or otherwise disposed of and any loss incurred by Government by such re-auction or disposal including the costs for such re-auction shall be recoverable from the lessee under section 25 of the Act. But he shall not be entitled to the excess amount, if any, realised by such re-auction or disposal.

CHAPTER VII

MISCELLANEOUS

Rule 60: Appeals:—

(1) Any person aggrieved by an order of—

(i) the competent officer refusing to grant a mining lease or a mining permit or cancelling a mining lease or mining permit after it is granted under these Rules;

(ii) the Controlling Officer determining or cancelling the mining lease or mining permit,

may, within thirty days from the date of communication of such order, appeal to the Controlling Officer or the Government, as the case may be:

Provided that any such appeal may be entertained after the said period of one month if the appellant satisfies the Controlling Authority or the Government, as the case may be, that he had sufficient cause for not preferring the appeal within the said period."

(2) On receipt of an appeal under sub-rule (1) the appellate authority shall call for the records of the case, and after giving a reasonable opportunity to the appellant to be heard, pass such orders thereon as it may deem just and proper.

61. Restrictions on removal of minor minerals :—Not withstanding anything contained in these rules—

(i) no person shall remove sand from the bed of rivers, channels and canals within 200 feet of bridges, culverts or causeways on National Highways, State Fund Roads and Taluk Board Roads;

(ii) no person shall remove sand from minor tanks for a distance of 200 feet from the downstream of the bund;

(iii) no person shall do tapping work in the case of major works for a distance of one furlong from the downstream of the bund.

62. Powers of Entry and Inspection :—The Controlling Officer or any officer authorised by him shall have power to:

(*a*) enter and inspect any mining lease or prospecting license block;

(*b*) survey and take measurements in any such workings;

(*c*) weigh, measure or take measurements of the stocks of the minor minerals lying at any mine or prospecting blocks;

(*d*) examine any document book, register, or record in the possession or power of any person having the control of, or connected with, any mining lease or prospecting license blocks and place marks of identification thereon and take extracts from or make copies of such document, book, register or record;

(*e*) order the production of any such document, book, register, record, as is referred to in clause (d); and

(f) examine any person having the control of, or connected with, any mine or license block.

63. Mode of payment of Mining Revenue :—The royalty, surface rent and security deposit payable under these rules

shall be credited to the different heads specified hereunder, namely :—

(*a*) Royalty or Dead Rent—

under XXI Miscellaneous Departments–(e) Miscellaneous A. Mining Revenue–2. Royalty on Other Minerals.

(*b*) Security Deposit–' Revenue Deposit '.

(*c*) Surface Rent—

under XXI Miscellaneous Departments–e, Miscellaneous A. Mining Revenue–3 Rent on mining and other prospecting lands.

64. Power to rectify apparent mistakes :—Any clerical or arithmetical mistake in any order passed by the Competent Officer, Controlling Officer, Deputy Commissioner, Governmet or any other authority or Officer under these rules and any error arising therein from accidental slip or omission, may, within two years from the date of the order, be corrected by the authority or officer, as the case may be:

Provided that no order prejudicial to any person shall be passed unless he has been given a reasonable opportunity for stating his case.

65. Application of these rules for renewal :—Where a mining lease or any other right for mining a minor mineral or minerals has been granted before the commencement of these rules is renewed after such commencement, these rules shall apply in relation to such renewal as they apply in relation to the renewal of a mining lease granted after such commencement.

66. Relaxation of rules in special cases :—In cases where the Government is of the opinion that public interest so requires, it may authorise the grant of a mining lease or a mining permit on such terms and conditions other than those prescribed in these rules, as the Government may by order specify.

67. Repeal :—On the commencement of these rules the Bombay Minor Mineral Extraction Rules, 1955, as in force in the Bombay area, the Madras Minor Mineral Concession Rules, 1956, and other rules in force in any area of the State regulating the mining or prospecting of minor minerals or shall cease to be in force except as regards things done or omitted to be done before such commencement.

68. Savings :—Nothing in these rules shall affect the provisions of rules 67, 68, 69, 70 and 77 of the Bombay Land Revenue Rules, 1921, as in force in the Bombay Area and the corresponding provisions in force in the other areas of the State.

FORM 'A'

Application Form for a Mining Lease for Minor Mineral

(*See* Rule 4)

To

Dear Sir,

I/We hereby beg to apply for Mining lease for a period of..... years and give below the necessary particulars as required under the Rules Regulating the working of Minor Minerals :

1. Name of the applicant :—
   (*a*) Profession
   (*b*) Residence
   (*c*) Permanent address

2. Description of the area applied for :—
   (*a*) Situation and boundaries
   (*b*) Land Survey Nos.
   (*c*) Name of Village, Taluk and District
   (*d*) Area

3. Name of Mineral to be quarried

4. Purpose for which it is used

5. Enclosures :—
   (*a*) A copy of the village map or map of not less scale than the village map showing the description of the area applied for ; and
   (*b*) A certificate of solvency signed by the Tahsildar or Magistrate of the Taluka in which the applicant is residing

I/We declare that above particulars are correct and requests that a quarry lease may kindly be granted.

Yours faithfully,

Dated :

(*Signature of the applicant*).

FORM 'B'

Register of Applications.

(*See* Rule 10)

Sl. No.	Date of Application	Name of Applicant	Particulars of Application	Amount paid		Treasury Receipt		Forfeiture	
				Fee	Deposit	Name of Treasury	No. Date	Amount	Order No. and Date
1	2	3	4	5		6		7	8

FORM 'C'

Register of Mining Leases for Minor Minerals.

(*See* Rule 11)

Sl. No.	Name of applicant and address	Date of application	Situation and boundaries of the land applied for with its extent	Name of the mineral for which the quarry lease is granted	Date of grant of the lease	Period for which the lease is granted or renewed	Amount of quarrying fee	Amount of Royalty	Amount of Security Deposit	Particulars of disposal-refund of security Deposit	Date of transfer of the lease, if any and the name of the transferee
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM 'D'

Mining Lease

(*See* Rule 18)

This Indenture made the.....between the Governor of Mysore (hereinafter called the "Government") of the one part and .....(hereinafter called the "Lessee(s)" which expression shall be taken to mean and include the said..... his/their heir(s) executor(s), representative(s) and assign(s), except where the context requires another or different meaning) of other part.

2. Whereas the Lessee(s) has/have in accordance with the Mysore Minor Minerals Concession Rules, 1965, applied for a mining lease for ..... and has/have deposited a sum of Rs.....as security for the due fulfilment of the covenants and agreements on the Lessee(s) part hereinafter contained and which deposit shall be forfeited on any failure thereof, the Government have agreed to grant a mining lease hereinafter contained in respect of the piece of land(s) delineated in the map or plan annexed and situated near.....in .....area..... Taluka.....District, and more particularly mentioned and described in Schedule "A" hereto annexed and which piece(s) of land(s) is/are hereinafter called "The mining lease block".

3. Now this Indenture witnesseth that in consideration of the royalties, rents and other payments hereinafter reserved and in consideration of and subject to the conditions, covenants and agreements hereinafter contained, the Government do hereby demises and grants unto the lessee(s) exclusive lease and liberty to enter, occupy, and use for mining purposes and to raise, render marketable, carry away, sell and dispose of.....within or under or upon the land(s) specified in this lease and for the period named therein.

4. To have and to hold the premises herein before expressed to be hereby demised and granted unto the Lessee(s) for the term..... from the date of these presents.

5. The Lessee(s) shall pay to the Government a royalty of..... .....per 100 Cu.ft of.....removed.

6. The Lessee(s) shall pay annually the land assessment, if any, on the area(s) taken up under the lease.

7. The Lessee(s) shall pay to the.....or/into the nearest Taluk Treasury or Government Treasury any such sums payable to the Government under the terms of the Lease.

8. The Lessee(s) shall wherever necessary pay to the person concerned compensation for any loss or injury which may be caused by the Lessee(s) to the surface of the demised land(s) or to anything growing or situated thereon in exereise of the rights granted and shall not commence operations until such compensation has been paid. If during the course of the mining operations or for any other reason tree growth standing in the leased area is injured, damaged or felled, all such material shall be collected by the lessee(s) and handed over to the Controlling Officer duly stacked in the manner and at the places in the leased area as directed by him. The Lessee(s) shall further always keep the Government indemnified against any claim made by any third party for any loss or injury caused to his/their person or property by the Lessee(s).

9. The Lessee(s) shall if required by the.....erect and maintain at his/their own expense boundary pillars of substantial material standing not less than three feet above the surface of the ground at each corner or angle of the area(s) leased to him/them, as delineated in the plan attached to the lease.

10. The Lessee(s) shall commence mining operations within two months from the date of the sanction of the lease, and shall thereafter carry on such operations effectually in a proper skillful and workmanlike manner both as regards prevention of waste by removal of sufficient overburden, careful storage of waste, drainage and removal of all valuable mineral within the mining area, and shall not work it in such manner as may prove dangerous to human life or cattle and shall if so directed by the..... .....cause the said quarry or any part thereof to be securely fenced to the satisfaction of the.....

11. The Lessee(s) shall keep strict and accurate accounts showing the quantity or other particulars of all minerals obtained from the mining area and the number of persons employed therein and also complete plans of the Mining and shall allow the.....or any Officer authorised by the..... .....to inspect the mining area and to examine such accounts and plans, and shall also furnish the..... with such information and returns at the end of every quarter in the form prescribed for the purpose.

12. The Lessee(s) shall not assign, sublet or transfer the lease or any part of the area(s) demised in the lease without the consent in writing of the.....for the purpose first had and obtained.

13. The Lessee(s) shall obey all existing rules with regard to reporting of accidents and any other rules which may be framed from time to time in that behalf.

14. The Lessee(s) shall not cut or injure any tree reserved in the lease without the sanction of the Divisional Forest Officer concerned.

15. If in the course of the operation under the lease any mineral not specified in the lease is discovered, the lessee(s) shall at once report such discovery to the..... .....

16. Government shall at all times have the right of pre-emption of the minor minerals won from the land in respect of which the lease has been granted.

17. The Lessee(s) may give notice in writing at any time to the .....that he/they will surrender the lease on the expiration of six months from the date of the notice after which period no fresh liabilities will accrue against the Lessee(s) in respect of his/their lease.

18. The Lessee (s) shall surrender his/their lease if he/they cease to work the mine for a continuous period of six months without the sanction of the.....previously obtained.

19. If the Lessee (s) shall have duly observed all the conditions of his/their lease, and gives/give six months previous notice in writing to the.... ..... for the renewal of the lease the..... may renew the lease for a further period on such conditions as he thinks fit.

20. The Government may determine the lease and take possession of all the premises of the leased area (s) if any lease money is more than three months in arrears or in case of any breach on the part of the Lessee (s) of any covenant or condition contained in the Lease.

21. The Government may determine the lease if considered desirable from the point of Government interest after giving the lessee (s) 12 calendar months notice in writing.

In witness whereof the..... .....Government of Mysore, acting for and on behalf of the Government, and the Lessee (s) has/have hereunto and to duplicate hereof, set their respective hands and seals the day and year above written.
Signed, sealed and delivered by the
abovenamed in the presence of.

Lessee (s).....

Signed, sealed and delivered by the
abovenamed in the presence of.

FORM 'E'

(*See* rule 42)

Form of Agreement for Quarrying and carrying away Minerals from Lands Held on Ryotwari Tenure and other Lands on Intermediary Tenure in Which Government have claim to a share of the Minerals.

AGREEMENT MADE THIS..... day of .....between .....of (hereinafter called "THE REGISTERED HOLDER', which term shall be taken to mean and include in these presents where the context so admits includes.....also his heirs, executors, administrators, legal representatives and assigns) of the one part and the Governor of Mysore (hereinafter called "THE GOVERNMENT" which term shall where the context admits include also his successors in office and assigns) of the other part.

WHEREAS the registered ryotwari holder holds amongst others) the lands described in the schedule hereunder written (hereinafter referred to as the said lands).

AND WHEREAS the registered holder has given notice to the Deputy Commissioner of the District of.....(Herein after called ' The DEPUTY COMMISSIONER') of the intention of the registered holder to carry on mining operations for (here enter the Mineral).....in the said lands and to deposit mining waste in the said lands and has lodged with the Deputy Commissioner on accurate map or sketch of the said lands.

AND WHEREAS The Deputy Commissioner acting for and on behalf of the Government have agreed to allow the registered holder to commence mining operations for.....on the said lands and to deposit mining waste thereon upon the registered holder entering into sueh an agreement as is hereinafter contained.

AND WHEREAS the registered holder has deposited with the Deputy Commissioner, the sum of Rs.....as security against any loss or damage which may be incurred by the Government by reason of any of the said lands being rendered unfit for cultivation by any mining operations therein of the registered holder or by the deposit of mining waste thereon by the registered holder.

NOW THESE PRESENTS WITNESS and the registered holder doth hereby agree with the Government in manner following that is to say :—

1. The registered holder shall be at liberty at all times during the period of the lease to carry on mining operations for.....in the said lands in a proper and workman like manner and to deposit mining

waste on the said lands and shall at all times be answerable and accountable to the Government for all acts and defaults by any of his nominees, servants or agents in carrying on such operations or in making such deposit.

2. The registered holder shall and will on the.....day of..... next and on the.....day of very succeeding year during so long as he shall have carried on any such mining operations as aforesaid pay to the Deputy Commissioner and on behalf of the Government in addition to the land assessment for the time being payable in respect of the said lands, royalty on the minor minerals at the rate specified in Schedule I.

3. The registered holder shall and will keep correct accounts in such form as the Deputy Commissioner shall from time to time require and direct showing the quantities and other particulars of all minerals obtained by the registered holder from the said lands and also the number of persons employed in carrying on the said mining operations therein and shall from time to time when so directed by the Deputy Commissioner prepar and maintain complete and correct plans of all Mines and working in the said lands and shall allow any officer thereunto authorised by the Director of Mines and Geology in Mysore, Bangalore, from time to time and at any time to examine such account and any such plans and shall when so required supply and furnish all such information and returns regarding all or any of the matters aforesaid as the Government shall, from time to time, require and direct.

4. The registered holder shall and will at all times allow any officer authorised by the Director of Mines and Geology in Mysore, Bangalore in that behalf to enter upon any part of the said lands where any mining operatios may be carried on for the purpose of inspecting the same.

5. The registered holder shall forthwith send to the Deputy Commissioner a report of any accident which may occur at or in the said lands and also of the discovery therein of any mineral other than ....(here enter the mineral already specfied in the notice given by the registered holder).

6. It shall be lawful for the registered holder at any time to cease mining operations under these presents provided he shall pay to the Deputy Commissioner for and on behalf of the Government land assessment, cess and royalty due to the Government and shall restore the said lands or fence or fill in abandoned pits and excavations therein if required by the Deputy Commissioner and upon his so doing these presents shall cease and determine.

7. In case the registered holder shall relinquish the whole or any part of the siad lands or in case of the expiry of sooner determination of this agreement then and in any such case, he shall restore the lands so relinquished or so much thereof as the Deputy Commissioner shall require to be restored to a state fit for cultivation or shall secnrely and

permanently fence or fill in all such abandoned pits and excavations therein as the Deputy Commissioner shall require to be so fenced or filled in, and in case the registered holder shall fail or neglect to restore any such lands which he shall be required to so fence or fill in then and in any such case, it shall be lawful for the Deputy Commissioner to so restore any such pit or excavation at the expense of the registered holder and to apply the said sum of Rs. so deposited in or towards the cost of so doing and to deduct from the amount of the said deposit and retain on behalf of the Government a sum equal to thirty times the assessment of the said lands which shall have been rendered unfit for cultivation. If, however, the amount of deposit is not sufficient to cover the cost of such restoration or fencing or filling in or to meet thirty times the assessment on the area rendered uncultivable, it shall be lawful for the Government to recover the balance by suit in a Civil Court.

8. The registered holder shall not be entitled to any remission of assessment in reepect of any of the said lands which shall be rendered unfit for surface cultivation by the carrying on any mining operations or by the deposit of mining waste, unless thirty times the assessment thereon has already been deducted under the preceding clause.

9. The registered holder shall not assign, lease or part with the possession of the said lands or any part thereof for the whole or any of the said term without previous intimation in writing to the Deputy Commissioner.

10. If the registered holder does not intend to carry on mining operations himself, but intends to lease out the right to do so to another person the registered holder and his lessee shall enter into an agreement with Government binding themselves jointly and severally to accept the conditions and stipulations here in contained.

11. All land assessment, cess and royalty payable under these presents shall be recoverable under Section 25 of the Mines and Minerals (Regulation and Development) Act, 1957 as if they were arrears of land revenue.

12. In the event of any breach by the registered holder of any of the conditions of these presents, it shall be lawful *for the Government* to to levy enhanced royalty or *for the Deputy Commissioner* to give notice in writing to the registered holder of his intention to cancel these presents whereupon the same shall stand concelled but without prejudice to any rights which the Government may have against the registered holder in respect of any antecedent claim or breach of covenant or condition.

13. Any notice to be given to the registered holder may be addressed to his last known place of abode and where a notice has been so addressed it shall be deemed to have been duly served for the purpose of these presents.

14. In case any question, difference or dispute shall arise regarding or touching these presents or any matter or thing thereon contained or connected herewith or touching the rights or powers of the registered holder under these presents or the amount of payment of any land assessment, cess and seigniorage made payable under these presents then and in any such case such question difference or dispute shall be referred to the Director of Mines and Geology in Mysore for the time being of Mysore. In case, the registered holder/registered holders and lessee/lessees is/are not satisfied with the decision of the Director of Mines and Geology in Mysore, Bangalore, the matter shall be referred to Government whose decision therein shall be final and conclusive and binding upon the parties thereto.

SCHEDULE

(Here enter description of the lands as given in the notice to the Deputy Commissioner.)

IN WITNESS whereof the registered holder and for and on behalf of and by the order and direction of the Governor of Mysore.

In the presence of

1.

2.

Have hereunto set their hands the day month and year first above written.

FORM 'F'

[*See* Rule 53]

Form of Joint Agreement for Mining by lessees in lands held on ryotwari tenure and other lands on intermediary tenure in which the Government have claim to a share of the minerals.

This Agreement made the.....day of.....19..... between at....., son of.....residing at.....(hereinafter called the lessee which expression where the context so admits, shall include his heirs executors administrators legal representatives and assigns) of the first part and..... .....residing at.....(hereinafter called the lessee which expression where the context so admits shall include his heirs, executors, administrators, legal representatives and assigns) of the second part and the Governor of Mysore (hereinafter called the Government which expression where the context so admits shall include his successors in office and assigns) of the third part.

Whereas the registered holder holds the lands described in the schedule hereto and is entitled to carry on by himself or by others mining operations in the said lands according to the rules from time to time issued by the Government.

And whereas mining operations in the said lands cannot be carried on under the said rules without the approval of the Deputy Commissioner for the time being of district in the Mysore State.

And whereas the registered holder has granted or is about to grant a lease of the mining rights in the lands described in the schedule hereto the lessee.

And whereas the registered holder has given notice to the said Deputy Commissioner of his intention to carry on mining operation for.....(here enter mineral) and of the said lease or intended lease to the lessee of the lands described in the schedule hereto and to deposit mining waste in the said lands and has lodged with the said Deputy Commissioner the lease and an accurate map or sketch of the said lands.

And whereas the Deputy Commissioner is prepared to allow the said registered holder or lessee to commence mining operations and to deposit mining waste in or on the said lands described in the schedule for a term of years from day of.....19.....upon the registered holder and the lessee entering into the agreement herein contained.

And whereas the registered holder has deposited with the Deputy Commissioner, the sum of Rs.....as security for the due performance of the covenants, agreements and provisos or damage which may be incurred by the Government by reason of any of the said lands described in the schedule hereto being rendered unfit for cultivation by the mining operations therein or by the deposit of mining waste thereon by either the registered holder or the lessee.

And whereas the lessee has at the request of the registered holder and in consideration of such approval by the Deputy Commissioner of the mining operations as herein before recited agreed to join in these presents for the purpose of entering into the covenants, agreement and provisos hereinafter contained as surety for the registered holder.

Now these presents witness and the registered holder and the lessee do hereby jointly and severally and each of them doth individually hereby covenant and agree with the Government as follows :—

1. To carry on mining operations during the said term in a proper and workmanlike manner and to deposit mining waste on the lands described in the schedule hereto and to answer and to account at all reasonable times to the Government for all acts and defaults committed by any servants, agents or workmen employed by the registered holder or lessee in carrying on such operations or in making such deposit.

2. To pay on the.....day of.....19.....next and on the.....day of.....of every succeeding year so long as the operations aforesaid are carried on into the Treasury/ State Bank of India at to the credit of the Government in addition to the land assessment for the time being payable in respect of the said lands royalty on the minerals mined at the rates prescribed by the Government from time to time.

3. To abide by the rules prescribed by the Government from time to time regarding mining of minor minerals.

4. To keep correct accounts in such form as the Deputy Commissioner shall from time to time require and direct showing the quantities and other particulars of all minerals obtained by the registered holder or the lessee from the said lands and also the number of persons employed in carrying on the said mining operations therein and to prepare and maintain from time to time when so directed by the said Deputy Commissioner complete and correct plans of all mines and working in the said lands and to allow any officer thereunto authorised by the Director of Mines and Geology in Mysore from time to time and at all times to examine such accounts and any such plans and to supply and furnish when so required all such information and returns regarding all or any of the matters aforesaid as the Government may from time to time require and direct.

5. To allow any officer authorised by the Director of Mines and Geology in Mysore in that behalf from time to time and at all times to enter upon any part of the said lands where mining operations may be carried on for the purpose of inspecting the same.

6. To forthwith send to the Deputy Commissioner a report of any accident which may occur at or in the said lands and also of the discovery therein of any minerals other than.....(here enter the minerals already specified in the notice given by the registered holder).

7. Not to claim any remission of assessment in respect of any of the said lands which shall be rendered unfit for surface cultivation by the carrying on of any mining operations or by the deposit of mining waste unless thirty times of the assessment thereon has been deducted under proviso (2) hereunder.

Provided always and it is hereby further agreed by and between the parties as follows :

(1) That it shall be lawful for the registered holder or lessee as the case may be at any time to cease mining operations under these presents provided the registered holder or lessee shall pay to the Government or the Deputy Commissioner the land assessment, cess and royalty payable by the registered holder or the lessee under these presents up to the end of the year in which the registered holder or the lessee shall cease such mining operations and shall restore the said lands fence or fill in abandoned pits and excavations therein if required by the Deputy Commissioner as next hereinafter provided and upon the registered holder or the lessee so doing these present shall cease and determine.

(2) That it shall be lawful for the registered holder or lessee, as the case may be, at any time to mining operations under these presents provided the registered holder or lessee shall pay to the Government or the Deputy Commissioner the land assessment, cess and royalty payable by the registered holder or the lessee under these presents up to the end of the year in which the registered holder or the lessee shall cease such mining operations and shall restore the said lands fence or fill in abandoned pits and excavations therein if required by the Deputy Commissioner as next hereinafter provided and upon the registered holder or the lessee so doing these presents shall cease and determine.

(3) That in case the registered holder shall relinquish the whole or part of the said land or in case of the expiry or sooner determination of this agreement then and in any such case, the registered holder in the case of relinquishment and the registered holder and the lessee in other cases shall restore the said lands or the part relinquished or so much thereof as the Deputy Commissioner shall require to be restored to a state fit for cultivation and shall securely and permanently fence or fill

in all abandoned pits and excavation therein as the Deputy Commissioner shall require to be so fenced or filled in and in case the registered holder or the lessee shall fail or neglect to restore any such lands which the registered holder or the lessee shall be required to a state fit for cultivation or to so fence or fill in any such abandoned excavation which the registered holder or the lessee shall be required to so fence or fill in then and in any such case it shall be lawful for the Deputy Commissioner to so restore any such lands or as the case may be so fence or fill in any pit or excavation at the expense of the registered holder or lessee and to apply the said sum of Rs.....so deposited in or towards the cost of so doing and to deduct from the amount of the said deposit and retain on behalf of the Government a sum equal to thirty times the assessment of the said lands which shall have been rendered unfit for cultivation.

If, however, the amount of the deposit is not sufficient to cover the cost of such restoration or fencing or filling as the case may be or to meet thirty times the assessment on the area rendered uncultivable, it shall be lawful for the Government to recover the balance by suit in a Civil Court.

3. That all land assessments, cess and royalty payable under these presents shall be recoverable under section 25 of the Mines and Minerals (Regulation and Development) Act, 1957, as if the same were arrear of land revenue.

4. That in the event of any breach by the registered holder of any of the conditions of these presents, it shall be lawful for the Government to levy enhanced royalty subject to the maximum of five times the normal rate or for the Deputy Commissioner to give notice in writing to the registered holder of his intention to cancel these presents whereupon the same shall stand cancelled but without prejudice to any rights which the Government may have against the registered holder in respect of any antecedent claim or breach of covenant or condition.

5. That any notice to be given to the registered holder may be addressed to his last known place of abode and where a notice has been so addressed it shall be deemed to have been duly served for the purpose of these presents.

6. That in case any question, difference or dispute shall arise regarding or touching these presents or any matter or thing therein contained or connected therewith or touching the construction of any of the clauses or the rights or power of the registered holder or lessee or the Government under these presents or the amount or payment of any royalty or rent or any other sum whatever made payable under these presents then and in any such case such question, difference or dispute

shall be referred to the Director of Mines and Geology in Mysore, Bangalore for the time being of Mysore. In case the registered holder/ registered holders and the lessee/lessees is/are not satisfied with the decision of the Director of Mines and Geology in Mysore, Bangalore, the matter shall be referred to Government whose decision thereon shall be final and binding upon the parties thereto.

SCHEDULE

(Here enter description of lands as given in the notice to the Deputy Commissioner)

In witness whereof..... .....the registered holder and.....lessee and for and on behalf and by the order and direction of the Government of Mysore have hereunto set their hands the day, month and year first above written.

In the presence of:—

1.

2.

3.

SCHEDULE I

Rates of Royalty

(See Rule 1 and 44)

Sl. No.	Name/s of Mineral/s	Rate of Royalty
1	2	3
	(Note:—	(a) in places with a population exceedin 25,000. (b) in all other places)
1	Building Stone Size Stone Slab, etc.	(a) Rs. 2-00 per 100 C. Ft. (b) Rs. 1-50 p. per 100 C. Ft.
2	Boulders	(a) 0-50 p. per cart load or $\frac{1}{2}$ tonne (b) 0-25 p. per cart load or $\frac{1}{2}$ tonne
3	Shingle	do
4	Gravel	(a) 0-19 p. per cart load or $\frac{1}{2}$ tonne (b) 0-12 p. per cart load or $\frac{1}{2}$ tonne

1	2	3
5	Lime shell	Rs. 2-50 p. per 100 C. Ft.
6	Lime Kankar	(a) 0-37 p. per cart load or $\frac{1}{2}$ tonne (b) 0-25 p. per cart load or $\frac{1}{2}$ tonne
7	Murrum	(a) 0-25 p. per cart load or $\frac{1}{2}$ tonne (b) 0-19 p. per cart load or $\frac{1}{2}$ tonne
8	Brick-earth	(a) Rs. 1-00 per 1000 bricks or 25 p. per cart load ($\frac{1}{2}$ tonne) (b) 0-75 p. per 1000 bricks or 0-19 p. per cart load ($\frac{1}{2}$ tonne)
9	Fuller's earth	(a) Rs. 30-00 per tonne (b) Rs. 25-00 per tonne
10	Bentonite	(a) do (b) do
11	Ordinary clay	(a) 0-50 p. per cart load or $\frac{1}{2}$ tonne for Village Pottary. (b) 0-75 p. per cart load or $\frac{1}{2}$ tonne for manufacturing tiles.
12	Road Metal or Ballast	Rs. 2-12 p. per 100 C. Ft.
13	Ordinary sand	(a) 0-12 p. per cart load or $\frac{1}{2}$ tonne (b) 0-06 p. per cart load $\frac{1}{2}$ tonne
14	Red Matti or coloured Matties	(a) 0-50 p. per cart load or $\frac{1}{2}$ tonne (b) 0-37 p. per cart load or $\frac{1}{2}$ tonne
15	Ornamental Stones : Coloured granites and Special types of grey granites. Porphyrics, filsites, darkcoloured dykes and amphibolitis.	Rs. 3-00 per cart load or $\frac{1}{2}$ tonne
16	Challedony, Quartzite stone or flint (pebbles and Nodules)	(a) Rs. 1-50 per cart load or $\frac{1}{2}$ tonne (b) Rs. 1-00 per cart load or $\frac{1}{2}$ tonne
17	Slate and Shales	(a) 0-50 p. per cart load or $\frac{1}{2}$ tonne (b) 0-37 p. per cart load or $\frac{1}{2}$ tonne

[No. C I 210 GEO 57]

By Order and in the name of the Governor of Mysore,

K. SESHADRI IYENGAR,
Under Secretary to Government,
Commerce and Industries Department.